APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,666	02/14/2001	Reiner Kraft	ARC920010009US1	9116

EXAMINER	
SIDDIQI, MOHAMMAD A	

7590   07/21/2004

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ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 May 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☒ Claim(s) *1,11,19,21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-28 presented for examination.

Specification

2.   Claims 1, 11, 19, and 21 are objected to because of the following

informalities: The limitation "Threshold" is not clearly defined in the

specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section 102 of this
> title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner in which
> the invention was made.

4.   Claims 1-28 rejected under 35 U.S.C. 103(a) as being unpatentable

over DeLorme et al. (5,948,040) (hereinafter DeLorme) in view of Liddy et

al. (6,026,388) (hereinafter Liddy).

5.   As per claims 1 and 21, DeLorme discloses a method for automatic

relevance-based preloading data to a computing device (col 48, lines 5-33),

comprising:

        identifying any one or more of persons or current scheduled tasks prior

to the occurrence of the tasks (fig 5, col 48, lines 47_67) ;

        analyzing the relevance of stored data (col 49, lines 1-6) to any one or

more of the current scheduled tasks or persons (col 49, lines 1-32);

        sorting the stored data based (col 49, lines 51-59) upon the relevance

to any one or more of the current scheduled tasks or persons (col 49, lines

33-59);

        setting a predetermined relevance threshold (col 48, lines 5-33, zip

code, phone exchange areas are setting relevance threshold), and

        automatically preloading (pre-arranged, col, 46, lines 55-67, col 48,

30-33, transferring is preloading) selected sorted data to the computing

device (col 48, lines 25-33) with a higher (array, sorting, fig 6, col 53, lines

1–44) than the relevance threshold (intended departure time, when, where,

who to visit, or what to do, are the inherent threshold values in the context

of this invention, fig 6, col 5, line 61, col 53, lines 15-44,col 48, lines 5-33).

wherein analyzing comprises estimating a proximity of the stored data items

to any one or more of persons or current scheduled tasks (POI/EOI,

Optimally arranged output, EOI arrays, col 53, lines 15-43 col 17, lines 1-

44), based on an association proximity measure and at least one proximity

measure (col 17, lines 1-44, col 22, lines 10-37).

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (col 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art

at the time invention was made to combine Liddy with DeLorme because it

would provide optimal trip planner and the proximity decision will be based

on the relevance score.

6.   As per claim 2, DeLorme discloses analyzing the relevance includes

estimating a proximity of the stored data items to the any one or more of

persons or current scheduled tasks, based on the combination of three

proximity measures distance, time, association (POI/EOI, col17, lines 1-44,

col 22, lines 19-37).

7.   As per claim 3, DeLorme discloses step of analyzing the relevance

further includes combining the at least three proximity measures into a

single relevance (POI/EOI, col17, lines 1-44, col 22, lines 19-37).

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (col 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art

at the time invention was made to combine Liddy with DeLorme because it

would provide optimal trip planner and the proximity decision will be based

on the relevance score.

8.   As per claim 4, DeLorme discloses step of analyzing the relevance

includes analyzing the proximity of information items to any one or more of

the current scheduled tasks or persons (col 22, lines 19-37 and col 21-57

and col 19, lines 9-67).

9.   As per claim 5, DeLorme discloses wherein the step of analyzing the

proximity of information items includes measuring proximity in terms of **a**

(col 22, lines 19-37 and col 21-57 and col 19, lines 9-67) combination of the

association measure along with any one of location and/or time (POI/EOI,

Optimally arranged output, EOI arrays, col 53, lines 15-43 col 17, lines 1-

44).

10.   As per claim 6, DeLorme discloses preloading selected sorted data to the computing device includes preloading the data to a communication device (col 12, lines 1-16).

11.   As per claim 7, DeLorme discloses preloading the data to the communication device includes preloading the data to a mobile telephone (col 16, lines 32- 52).

12.   As per claim 8, DeLorme discloses preloading the data to the communication device includes preloading the data to a personal digital assistant (PDA) device (col 16, lines 32- 52).

13.   As per claim 9, DeLorme discloses the step of preloading the data includes preloading the data to a personal computer (col 14, lines 20-67).

14.   As per claim 10, DeLorme discloses identifying any one or more of current scheduled tasks or persons includes identifying events scheduled in a user's calendar, locations, and/or time frames (col 59, lines 35-67).

15.   As per claims 11 and 19, DeLorme discloses a system for automatic relevance-based preloading information items to a computing device, comprising (col 48, lines 5-33):

a proximity estimator (col 32, lines 46-67) that determines a proximity of the information items to a user's task based on a combination of measures comprised at least an association proximity measure (POI/EOI, col17, lines 1-44, col 22, lines 19-37) and any one or more of two proximity measures: distance and time (col 22, lines 19-37),

a relevance estimator (col 32, lines 46-67) that combines the combination of measures into a single relevance (POI/EOI, col17, lines 1-44, col 22, lines 19-37);

an information retriever (col 32 lines 61-67) that retrieves information items (col 32 lines 61-67) with a relevance score higher than a predetermined threshold relevance (col 48, lines 5-33, zip code, phone exchange areas are setting relevance threshold); and

a device loader that processes (col 32 lines 61-67) the information items retrieved by the information retriever and automatically preloads (pre-arranged, col 46, lines 55-67, col 48, 30-33, transferring is preloading, col 14, lines 20-30) the retrieved information items to the computing device (col 14, lines 20-30 and col 12, lines 10-16).

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (col 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine Liddy with DeLorme because it would provide optimal trip planner and the proximity decision will be based on the relevance score.

16.   As per claims 12 and 22, DeLorme discloses further including an information catalog that contains a list of the information items to which a user has access (classified geographical points of interest, col 47, lines8-59, col 28, lines 1-55, and col 24, lines 1-28).

17.   As per claims 13, 20, and 23, DeLorme discloses the relevance estimator combines the combination of measures into a single relevance by weighting each of the proximity measures (col 75, lines 1-32) forming part of the combination.

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (col 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine Liddy with DeLorme because it would provide optimal trip planner and the proximity decision will be based on the relevance score.

18.   As per claims 14 and 24, DeLorme discloses the relevance estimator combines the combination of measures (POI/EOI, col17, lines 1-44, col 22, lines 19-37) into a single relevance by computing a geometric mean of the proximity measures (col 75, lines 1-32) forming part of the combination of measures (array, sorting, fig 6, col 53, lines 1–44).

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (col 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine Liddy with DeLorme because it would provide optimal trip planner and the proximity decision will be based on the relevance score.

19.   As per claim 15, DeLorme discloses the distance proximity measure includes a difference between a user's planned location for a given task and a location of a scheduled task 9col 75, lines 1-32).

20.   As per claims 16 and 26, DeLorme discloses the time proximity measure denotes immediacy of user's tasks (col 54, lines 57-67, col 72, lines 1-44).

21.   As per claims 17 and 27, DeLorme discloses the association proximity

measure denotes persons and contacts associated with a location and

purpose of a given task (col 55, lines 20-29, col 72, lines 1-60).

22.   As per claims 18 and 28, DeLorme discloses including a location

tracker that determines the user's location (fig 9, col 55, lines 20-51, col 72,

lines 1-7).

Response to Argument

23.   Applicant's arguments filed 05/20/04 have been fully considered but

they are not persuasive:

In response to applicant's argument " DeLorme does not set a

predetermined relevance threshold", the examiner respectfully disagrees.

The DeLorme prior art teaches predetermined threshold (intended departure

time, when, where, who to visit, or what to do, are the inherent threshold

values in the context of this invention, fig 4-6, col 5, line 61, col 53, lines

15-44,col 48, lines 5-33), preloading is done by remotely transferring a data

via software (col 48, lines 5-33), comparing, analyzing, estimating are done

by EOI/POI arrays (arrays and indexing, fig 6-9, col 54, lines 21-67).

Therefore, limitations are met by the reference, Claim 1-20 stands rejected.

24.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

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